

REMARKS

1. Editorial Corrections to Specifications:

In the above reference Office Action, the Examiner objected to alterations in the Specification which have not been initialed and/or dated. In response, the Applicant has reviewed the Specification and the Preliminary Amendment and can not determine what particular alteration(s) the Examiner is objecting. A Notice of Missing parts was mailed from the Office reciting a drawing sheet having improper margins. In response, a substitute drawing sheet was submitted and approved. The Examiner has approved the Preliminary Amendment filed on August 1, 2001. The Preliminary Amendment included both a clean and marked-up version of the Specification. Because no new matter was introduced in these documents, a new Declaration or Oath is not required. Further explanation regarding the objection is now requested.

2. Information Disclosure Statement:

An Information Disclosure Statement for the application was filed on February 15, 2001. The Statement listed U.S. Patent No. 5,307, 587 (Zeiger) and described the subject matter disclosed therein. Form PTO-820 was submitted along with a copy of the patent. A duplicate copy of the Statement and a return postal card is submitted herewith. Please enter the Statement into the record.

3. Amendment of Claims:

Claims 1-3 were rejected under 35 U.S. 112, second paragraph. In response, Claims 1-3 have been amended to overcome this rejection.

Claim 3 was rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent no. Harwood. According to the Examiner, Harwood discloses a method identical to the method

1 recited in Claim 3. The Applicant now requests reconsideration on the grounds that Claim 3
2 has been amended to recite the mole trap more specifically recited in Claim 1. The key
3 distinguishing features now recited in Claim 3 not disclosed in Harwood is (1) the limiting
4 means used to prevent the trigger rod from excessively rotating and injuring the user, (2) the
5 two longitudinally aligned handles attached to the upper arc sections that enable the trap to be
6 easily placed in a mole open; and (3) the the z-shaped plate with a lower trigger plate
7 disposed closely against the soil under the trap that catches moles that might dig under the
8 trap

9 Claims 1-3 were rejected under 35 U.S.C. 103(a) as being obvious based on U.S.
10 Patent No. 615,851 (Hooker) in view of U.S. Patent No. 92,833 (Harwood) or U.S. Patent
11 No. 4,245,424 (Smith). According to the Examiner, it would have been obvious to one of
12 ordinary skill in the art to take the device of Hooker and add the foot bar of Harwood or
13 Smith to allow the trap to be set without injury. In response, the Applicant requests
14 reconsideration on the grounds that the amended Claims now recite limitations not disclosed
15 or suggested in the prior.

16 Claim 1 and 3 (Currently Amended) now recite the handles being longitudinally
17 aligned and attached to the upper arc sections on each clamping member. None of the prior
18 art references disclose or suggest a similar structure.. Claims 1 and 3 (Currently Amended)
19 also recited a z-shaped plate with an upper trigger plate and a lower trigger plate with the
20 lower trigger plate being offset from the upper trigger plate so that the lower trigger plate is
21 closer to the soil when the trigger rod engages the upper trigger plate. On the trigger plate
22 disclosed in Hooker the lower trigger plate is offset from the upper trigger plate so that lower
23 trigger plate is farther from the soil when the trigger rod engages the upper trigger plate.

1 Regarding the foot bar, the ring F in Harwood is a structure permanently attached to
2 the side of the trap. It is understood be used as a surface used to press the trap into the soil
3 with the foot. It is not a device used to 'set' or activate the trap.

4 Regarding the Examiner's comments that the arm 12 disclosed in Smith is equivalent
5 to Applicant's foot bar, the Applicant disagrees. The arm 12 shown in Fig. 2 is a device used
6 to temporarily hold the trap in a 'set' condition. When the trap is located at the desired
7 position, the arm 12 is lowered so that the user's foot may be placed on the horizontal arm
8 14. The user then pulls the trap upward so that the hook 16 pulls the two support end
9 members 40, 50 apart. A dog 84 is then used to 'set' the trap. In Applicants improved trap,
10 the foot bar is used to force the two clamping members apart. The user does not pull or push
11 against another component on the trap. The Applicant submits that his foot bar design is
12 much simpler to use and much safer to used by homeowners and non-professionals.

13 For all of the above stated reasons, Claims 1 -3 should be considered patentable.

14
15 Respectfully submitted,

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